

7/11/11

PREPARED BY: Doug Nichols
DATE PREPARED: January 24, 2011
PHONE: 471-0052

LB 157

Revision: 01

Updated to include the Nebraska State Patrol's response.

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	100,062	74,062	74,062	74,062
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	100,062	74,062	74,062	74,062

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change guardianship and conservatorship provisions and is operative on January 1, 2012. It requires that the State Court Administrator shall create and maintain a data base of active guardianships and conservatorships that is accessible by the public.

The Supreme Court estimates a one-time cash fund expenditure of \$26,000: \$5,000 to establish a central database and \$21,000 for training. Their response follows:

LB 157 changes many provisions of the laws governing guardianships and conservatorships. Cash fund expenditures will increase as follows:

1. Section 6 which requires the State Court Administrator to create and maintain a central database of active guardianships and conservatorships. It is estimated that the cost of establishing a central database would be approximately \$5,000. It is assumed that this would be a Cash fund expenditure from the Supreme Court Automation Fund used to maintain JUSTICE, the Supreme Court information management system.
2. In-person training for all judges and court staff on new procedures is estimated at approximately \$21,000. This would be additional spending authority from the Supreme Court Education Fund.

The bill requires the State Patrol to conduct a national criminal history record check on each person who has been nominated for appointment as a guardian or conservator. The State Patrol receives \$38 for each national criminal history record check. The State Patrol remits to the FBI \$17.25 and the State Patrol uses the remainder of the fee (\$20.75) to defray the costs of processing the request for the criminal history record check. The revenue and expenditures are processed through the Nebraska State Patrol Cash Fund.

The State Patrol received information from the Supreme Court that showed an average of 1,949 guardianships and conservatorships per year. This will bring in an estimated \$74,062 per year for criminal history record checks.

The State Patrol estimates that it will incur the following expenditures performing the criminal history record checks:

ITEMS	FY2011-2012	FY2012-2013	FY2011-2012	FY2012-2013
	Number of Positions		Expenditures	
NSP Criminal Rec Tech	1.0	1.0	28,935	28,935
Benefits			10,127	10,127
Operating (FBI payment, postage, envelopes)			35,000	35,000
TOTAL	1.0	1.0	74,062	74,062

FISCAL NOTE LB157

nebraska state patrol

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JAN 21 2011

Prepared By	little, john
Date Prepared	1/24/2011
Prepared Phone	402-479-4945

LEGISLATIVE FISCAL
Estimate Provided By State Agency or Political Subdivision

	FY 2011-2012		FY 2012-2013	
	Expenditures	Revenue	Expenditures	Revenue
General Funds				
Cash Funds	74,062.00	74,062.00	74,062.00	74,062.00
Federal Funds				
Other Funds				
Total Funds	74,062.00	74,062.00	74,062.00	74,062.00

Explanation of Estimate:

LB157 requires: (a) A person who has been nominated for appointment as a guardian or conservator shall obtain the following checks and reports of the results and file such reports with the court at least ten days prior to the appointment hearing date:

A national criminal history record check requested from the Nebraska State Patrol;

The Administrative Office of the Courts has provided the following numbers from 2005 through 2009:

Guardianships filed:	4,685
Conservatorships filed:	1,874
Gdn/cons filed:	3,184
TOTAL:	9,743

The average for the five year period is 1,949 per year.

The Nebraska State Patrol receives \$38 for each national criminal history record check submitted to the FBI. A portion of this fee is remitted to the FBI, and the remainder is used to defray the costs of processing the request for the national criminal history record check. This income and expenditures are processed through the State Patrol Cash Fund.

Major Objects of Expenditure

Position Title	Number of Positions		FY 2011-2012	FY 2012-2013
	FY 2011-2012	FY 2012-2013	Expenditures	Expenditures
NSP Criminal Rec Tech	1.0	1.0	28,935.000	28,935.00
		Benefits	10,127.00	10,127.00
		Operating	35,000.00	35,000.00
		Travel		
		Capital outlay		
		Aid		
		Capital improvements		
		Total	74,062.00	74,062.00

Please complete ALL (5) blanks in the first three lines.

LB⁽¹⁾ 157 FISCAL NOTE

LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: ⁽²⁾ Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/18/11 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	26,000			
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	26,000			

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 157 changes many provisions of the laws governing guardianships and conservatorships. Cash fund expenditures will increase as follows:

1. Section 6 which requires the State Court Administrator to create and maintain a central database of active guardianships and conservatorships. It is estimated that the cost of establishing a central database would be approximately \$5,000. It is assumed that this would be a Cash fund expenditure from the Supreme Court Automation Fund used to maintain JUSTICE, the Supreme Court information management system.
2. In-person training for all judges and court staff on new procedures is estimated at approximately \$21,000. This would be additional spending authority from the Supreme Court Education Fund.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				